

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on January 12, 2006.

MEMBERS PRESENT:

Leg. Vivian Vilorio•Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chairman
Leg. Daniel P. Losquadro
Leg. Edward P. Romaine
Leg. Steven H. Stern

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Barry Ian, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Patricia Zielenski, Department of Real Estate
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
James Bagg, Principal Staff Person to CEQ, Department of Planning

Ginny Suhr, Aide to Chairperson

Lisa Keys, Aide to Leg. Romaine

Deborah Harris, Aide to Leg. Stern

Paul Matthews, Managing Director for Long Islanders for Environment

Thomas B. Williams, Cornell Cooperative Extension

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 3:38 PM)

CHAIRPERSON VILORIA • FISHER:

I'm going to call the Environmental, Planning and Agriculture to order. Thank you for being here. We will begin with the pledge. And I will ask our new Legislator D'Amaro to lead us in the pledge.

(SALUTATION)

CHAIRPERSON VILORIA • FISHER:

Thank you. We have a card here from Paul Matthews. Mr. Matthews, if can come to the podium. Thank you. Yes, can someone help him distribute those, please? Thank you. And if you could make certain that •• have a

seat, sir. If you could make certain that the microphone is on and that you state your name for the record.

MR. MATTHEWS:

Good afternoon. I'm Paul Matthews. I'm the Managing Director of Long Islanders for Environment. And we're developing larval release technology to have restorations of shellfish. And we're using a mobile marine hatchery system.

The release of shellfish larvae to creates sets and subsequent adult populations is now available and is innovative and cost effective. A larval release program is an appropriate continuation of Suffolk County shellfish restorations. Long Islander For Environment, LIFE, has been working as an industry cooperator with Cornell Cooperative Extension of Suffolk County to develop to develop mobile marine rear hatchery systems for the upscaling of the larval early release method for shellfish restoration.

Money is needed this year for a proof of concept study which Cornell is excited about and able to do by mid•summer of 2006 for less than \$100,000. After the initial proof of concept a subsequent four•year program would introduce several billions of healthy shell fish larvae into local waters at a cost of approximately \$400,000 per year. So, if for example 100 million clams were to to become harvestable from this program, that would represent a 25 or more million dollar resource.

The sadly depleted Great South Bay should receive this type of larval reseeding as soon as possible. As a matter of fact, Brian Foley sponsored a bill with us in mind at the end of 2004 resolution number 1027•2004 for the appropriation of a million dollars for hard clam restoration, which I believe went through Economic Development and Jim Morgo. We waited all through last year for an RFP but none was forthcoming. So, we're asking now whether •• whether monies can be given to Cornell to affect a proof of concept.

LIFE has a tank and vessel standing by to implement the delivery system to various significantly upscale the deployment of shellfish larvae. It would be critical hardship to delay the proof of concept study. This is an exciting

cutting edge innovative technology which promises many benefits such as the environmental benefit of coastal restoration, economic benefits of creating a harvestable resource worth millions of dollars, an improvement of recreation on the waters and enhanced fishing.

CHAIRPERSON VILORIA • FISHER:

Thank you. So what you're saying is actually that we've approved of the program but the RFP has not yet gone out and you would like to be a bidder?

MR. MATTHEWS:

I think we would like to inquire into that.

CHAIRPERSON VILORIA • FISHER:

Okay.

MR. MATTHEWS:

And I believe that there was no RFP on that money. So we were being kind of modest and waiting for an RFP and didn't receive it.

CHAIRPERSON VILORIA • FISHER:

Okay. I believe there's a question. Legislator Romaine.

LEG. ROMAINE:

I know Mr. Bragg has to get going. He's next up on the list. So, I'm going to try to keep it very brief. We met •• I met in my office with you and representatives from Cornell Cooperative Extension to discuss this briefly yesterday. Now, as I understand it, one clam can produce how many spawn?

MR. MATTHEWS:

Up to ten million.

LEG. ROMAINE:

But they do that so that at least one or two survive.

MR. MATTHEWS:

That's correct.

LEG. ROMAINE:

And what you're looking to do is set up a bubble system so when they're in the larvae stage, that instead of one or two or ten out of a million surviving, that maybe a half million or a quarter million survive. And by doing that for a two or three week period, you therefore dramatically increase the production of shellfish which does two things. One, all shellfish cleans the waters in which they're found in. And we would have a tremendous salutary benefit on all the waterways in which this program took place. And two, would have an economic benefit in terms of recreational and commercial people who would go out and harvest these clams.

MR. MATTHEWS:

Correct.

LEG. ROMAINE:

So the only issue for you, and I will ask Mr. Isles amongst many other questions I have for him •• I shouldn't say Mr. Isles •• I guess I should ask the Chairman because you said it's with Economic Development.

MR. MATTHEWS:

As far as I know, but I'm not exactly sure. But the resolution was number 1027.

LEG. ROMAINE:

Could I ask you to ••

CHAIRPERSON VILORIA • FISHER:

Actually, Mr. Williams is going to •• has a card. He's from Cornell Cooperative Extension. And I'll ask him who would be handling that RFP. Since Mr. Matthews has mentioned the Office of Economic Development, it seems that it would be a natural place from which the RFP would be coming. But we'll ask Mr. Williams when he comes up.

LEG. ROMAINE:

And this money was appropriated for use in 2005 is what you're saying?

MR. MATTHEWS:

I believe so, but I'm not sure.

LEG. ROMAINE:

And unexpended?

MR. MATTHEWS:

Again, I'm not sure.

LEG. ROMAINE:

Okay. Well, it's something we should look into.

MR. MATTHEWS:

I'm inquiring to find out, really.

CHAIRPERSON VILORIA • FISHER:

Okay. Thank you very much, Mr. Matthews. Tom Williams.

MR. WILLIAMS:

Good afternoon. My name is Tom Williams. I'm the Director of Cornell Cooperative Extension. And I'm happy to be here. Chairman, Vivian Viloria •Fisher asked me to come and make a short presentation on the Suffolk County Farm. I think I can mention something about that RFP or non•RFP. I believe that was legislation that was introduced with Bill Lindsay last year. And that it was connected with the Blue Point property. And it was an effort to do a clam restoration project in a similar, you know, substantial manner with •• as the scallop project in the east end. And I believe that money was targeted for the Nature Conservancy. I do not know whether there was an RFP. We have not seen it. I think there was perhaps a waiver given or something on that.

LEG. ROMAINE:

Tom, I've ••

CHAIRPERSON VILORIA•FISHER:

Mr. Williams, I've asked Counsel to check on IR 1027. And we'll have that answer in a little while. So you can just proceed with the •• with your presentation because we do have a time constraint for •• there are some people in the audience who have a time constraint.

MR. WILLIAMS:

Sorry. You had asked me about the Long Island Railroad crossing on the farm. And it runs from the north side to the south acres. We have about 20 acres down there which we farm. We received a letter last April from the Railroad saying they wanted to close all farm crossings. They talked about private grade crossings. And they came down. We wrote a protest because it was •• it became a hardship for us. We have used that crossing for 130 years to get to that property. And we've never had an accident. There are four trains a day going to the Yaphank Station. But they came down. They talked to us. We protested. They insisted they feel that they have the right to close that crossing, that it is not •• it has no active warning systems. They have said that if we wish to put in an active warning system, they we could. It would cost about \$800,000.

They have said that the crossing is classified as private in both NYS •• the Department of Transportation and the Federal Railroad Administration grade crossing inventories. They'd have no immediate disagreement. This is DOT in New York. And so what they had done last summer, they put down these big blocks to prevent us from driving across it. You can still walk across it. It has been a maintained crossing. It has those rubberized fill•ins so it's not going over just plain rails.

So at the moment we can't use it. We can walk there but we can't drive our tractor there. We have to take our tractor out on Yaphank Avenue and drive it over the railroad tracks which we feel is hazardous. So, we'd love to have that open if it could be.

CHAIRPERSON VILORIA•FISHER:

Okay. As a follow•up to our conversation because I had asked you about this previously, I was in contact with Mitch Bailey who is the Long Island regional representative on the MTA Board. Mr. Bailey did get back to me

late yesterday afternoon and indicated that when he spoke with the MTA president, that he indicated to him that there had been a complaint by the Suffolk County Police Department regarding the use of that railroad crossing.

And so I said well, rather than pursue this as something that is in the purview outside of the County, perhaps we can have some conversations among the different departments in the County and see if we can come to an agreement that would be more feasible for everyone involved.

MR. WILLIAMS:

That would be terrific.

CHAIRPERSON VILORIA • FISHER:

Okay. So, we'll speak with the Police Department and see what their objections were to having that as an open crossing. And see if the farm can comply with whatever restrictions they feel might be necessary.

MR. WILLIAMS:

Okay. Well, that would be great. We talked about having a locked gate that, you know, only we could •• or the police could have, too. So there were •• they didn't seem to be interested.

CHAIRPERSON VILORIA • FISHER:

Okay. So perhaps we can set that up as a point of compromise and meeting of the minds.

MR. WILLIAMS:

Oh, that would be fabulous. Shall I contact your office or will you contact the police?

CHAIRPERSON VILORIA • FISHER:

We'll contact you.

MR. WILLIAMS:

Okay.

CHAIRPERSON VILORIA • FISHER:

Because I told Mr. Baily I would be in touch with him. And I would want to have him and somebody from the railroad involved as well.

MR. WILLIAMS:

Fabulous. Thank you. Thank you very much. That's great.

CHAIRPERSON VILORIA • FISHER:

Okay. There are no other cards. And I have spoken with Mr. Isles about postponing his presentation a little bit today because Mr. Bagg does have another engagement. And I've asked him to come up and speak with us •• speak to us first about CEQ. And for the new members Jim is going to tell you a little bit about how the CEQ resolutions work, what role they play in our deliberations, what our responsibilities are and how CEQ arrives at its conclusions and what they mean. Jim.

MR. BAGG:

Good afternoon. My name is James Bagg. I am the Principal Staff Person to the Suffolk County Council on Environmental Quality and am staff within the Suffolk County Planning Department.

Suffolk County Council on Environmental Quality, a little overview, is made up of nine members. Eight of those members are appointed by the Legislature and are supposed to have environmental background. And one of the members is the Chairperson of the Parks Committee, which I believe is Legislator Nowick this year.

Council's responsibility is to review all county initiated projects and activities from the point of view of compliance with the State Environmental Quality Review Act, also now as SEQRA. That act requires that no action at a local governmental level which includes the County can be approved until SEQRA and an environmental review has been completed.

The CEQ up to this point has served really as an administrative arm of the Legislature. The County Department proposing the action prepares an environmental assessment form or sends something to the Council in terms

of what the action is. And then the Council reviews it. Under the State Environmental Quality Review Act, the first thing they have to do is classify an action. And the SEQRA rules and regulations say see there are Type I Actions, there are Type II Actions; and anything in between is called an unlisted action.

Now, with respect to those two lists of Type I Actions and Type II Actions, Type I Actions are actions that are more than likely to have a significant impact on the environment and, therefore, would require a more elaborate environmental or in depth environmental review. There is a list of those actions.

The Type II list of classification is a list of 35 actions which states that if the action is on that list, an example would be administrative, it would be paving an existing road, not widening it, traffic lights installations and so on. A Type II Action once classified requires no further environmental review. So the Council goes through the actions. We have •• they hold meetings monthly. They review them. And then they make a recommendation to the Legislature and the County Executive with respect to the environmental recommendations. All right? They will make a •• there are a couple things before you today. There are three actions. Recommendations for Type II Actions and another one is an unlisted action which I can go over later on. But it's the Legislature's responsibility to see to it that SEQRA is complete. So, therefore, either in the resolution or in a separate resolution SEQRA is conducted and passed on by the Legislature. Once that is complete then the action can proceed further.

And that's basically an overview of the process. If any of the new members have any questions, I'd be glad to meet with you at any time and provide you with any information that you may need to answer your questions.

CHAIRPERSON VILORIA•FISHER:

Jim, so that we can have the benefit of having you here while we discuss the three CEQ resolutions, I'm going to make a motion to take 101•05 •• can I do all three •• 102•05 and 104•05 out of order.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? We'll consider the CEQ resolutions out of order then.

MR. BAGG:

Okay. Thank you. **The first CEQ resolution 101•05 is the proposed modifications to the warehouse at the Board of Elections in Yaphank, Town of Brookhaven.** The project involves the renovation of an existing warehouse space and construct a 1,000 square foot computer room, install HVAC systems, insulate the interior warehouse walls and relocate existing fibre optic cables all within the existing building. Council recommends to the Legislature that it is a Type II Action pursuant to Title Six NYCRR Part 617.5 (c), (1), (2) and (25) as it consists or rehabilitation involving no substantially changes to an existing structure or in kind recent construction of a facility •• structure or facility and the purchase of equipment. And as a Type II Action, the County would have no further environmental review requirements under SEQRA.

CHAIRPERSON VILORIA•FISHER:

Are there any questions about this description? Motion by Legislator Losquadro, second by the Chair. All in favor? Opposed? **Motion carries. (Vote: 5•0)**

MR. BAGG:

The next CEQ resolution 102•05 is the proposed renovations to the Old Sixth Police Precinct, capital project 3188, Coram, in the Town of Brookhaven. The project provides for the planning and reconstruction of the Old Sixth Police Precinct in Coram. This project provides for the renovations only to the interior of this building.

The project also includes but is not limited to the re•arrangement of office space, upgrades to mechanical, electrical and plumbing systems, new flooring and ceilings, etcetera. Council recommends that this is a Type II Action pursuant to Title Six NYCRR Part 617.5 (c), (1), (2) and (25) as it involves the replacement and rehabilitation involving no substantial changes

to an existing structure or in kind reconstruction of a structure or a facility and the purchase of equipment.

LEG. LOSQUADRO:

Motion.

CHAIRPERSON VILORIA•FISHER:

Motion by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Motion carries. (Vote: 5•0)**

MR. BAGG:

The next resolution number 104•05 is for the proposed donation of property, file number S05•04•0019 in Miller place in the Town of Brookhaven. The project involves the acquisition of land by Suffolk County through a donation of point two acres. Council recommends that it is an unlisted action and that it will not have an impact on the environment for the following reason. The proposed action will not exceed any of the criteria in Title Six NYCRR, section 617.7, which sets forth thresholds for determining significant effect on the environment as demonstrated in the Environmental Assessment Form. The property adds to county park property in the area. And the property will be dedicated to the Suffolk County Department of Parks, Recreation and Conservation for passive recreation purposes.

CHAIRPERSON VILORIA•FISHER:

Any questions about the unlisted action? Motion by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? Motion carries. Thank you very much, Jim. **(Vote: 5•0)**

We had asked a question of Counsel earlier. I believe Counsel is prepared to answer.

MR. NOLAN:

There is a resolution. We've having some trouble pulling it up.

CHAIRPERSON VILORIA•FISHER:

Okay.

MR. NOLAN:

But 1027•04 does talk about a million dollars for the purpose that he discussed.

CHAIRPERSON VILORIA•FISHER:

Okay. Thank you very much.

MR. NOLAN:

As soon as we get a copy, we'll make copies for everyone here.

CHAIRPERSON VILORIA•FISHER:

Thank you. Mr. Isles. Ms. Zielenski, would you like to join him? And Ms. Fischer?

I'm just going to have a little disclaimer before you begin. And that is that Mr. Isles is going •• and Ms. Zielenski are going to give us an overview of our programs. But I think we should bear in mind that this is a complex program. And that it's not going to be absolutely everything you ever wanted to know about Real Estate in a nutshell and the land acquisition program. So, keeping that in mind, we look forward to hearing your remarks.

DIRECTOR ISLES:

Okay. Thank you very much and good afternoon. And we look forward from the Department of Planning and the Division of Real Estate to working with the Environment, Agriculture and Planning Committee this year. And to offer whatever services we can to assist you in your decision making.

What I'd like to do today, and I appreciate the opportunity, is to provide you with a brief overview as requested by the Chair of the Committee on the Open Space Program.

The County of Suffolk, when you mention the point that it is complex, it is because we have at least nine major programs in the county for open space acquisitions, of which each of the programs in many cases has sub•sets of sub•programs and all with their own requirements and criteria.

What I'd like to do, though, is to just briefly walk through those programs, provide Pat Zielenski with the opportunity to give you a specific update in terms of the activities in 2005; and then also look at, as you requested, the fund balances approximately for 2006.

What we have prepared in the little hand•out sheet is, we did a project a couple of years ago to summarize all the County acquisition programs and the requirements. And it became a full blown report. And even this is now somewhat outdated. So, rather than, you know, getting into that, that's a good resource for you. But this just gives a recap.

As you'll see, the first one is the Farmland Preservation Program. Prior to that point when the County was buying Blydenburg Park and open space and so forth, they did it on individual capital project basis. What happened with the Farmland Preservation Program in 1977, is that became the first time that the County actually had a programmatic effort on a more broad scale basis to achieve an objective, which in that case was the preservation of farmland. And in that case it was actually the first such program of its kind in the nation and continues to this day actually. So, that's the granddaddy of programs in many respects.

What we then had was the Open Space Preservation Program in 1986. And shortly after that the Drinking Water Protection Program in 1987. Here again, I'm not going to get into the details of all the programs, but fundamentally many of these programs or all of the programs you see on this list continue to exist today. And you may wonder why are they still available and funded and so forth.

And there's two reasons. One is that in some cases there's a residual funding that's still available. For example, the Drinking Water Protection Program expired in the Year 2000. There's some residual funds, some interest gained from those funds that are still available for certain specific types of acquisitions if they qualify.

The second reason is that many of the later programs incorporated the old programs. So, if you look at Multifaceted, which is a capital program, that

make references to some of these older programs. So, that's why we mention them on here that you may see them in resolutions, they still have criteria that need to be followed.

Walking through, then, the programs, the significance of the Drinking Water Protection Program which has preserved at least 10,000 acres of land is that that was the first sales tax driven program. So a quarter percent of the sales tax in Suffolk County was then allocated to fund that. So where prior programs were done through capital binding to pay for open space and farmland developments rights, this was actually done through sales tax.

Continuing through this list, then, we had the South Setauket Woods Program which was funded through a state settlement of a Northville oil spill, gas spill up in Setauket. That program is actually coming to an end in the near future.

The next one is the Land Preservation Partnership. This still exists. It's a capital program. It requires a 50% match with localities, but it can be used for quite a few things. It can be used for parkland, farmland as well as open space.

Greenways was a program that was approved by the voters in 1998. That program funded \$62 million in a bond program for open space. That program expires at the time end of this Year 2006 by the legislation. So we're coming to the end of the Greenways Program. There's a little bit of money left in that account. And as you can see, there's three components to that program.

The next one as we now know is what we call the New Drinking Water Protection Program that began in 2000; that continues until 2013. That is the continual ongoing source of funding for open space. Approximately \$8 million a year is generated annually for open spaces purchases; four to \$5 million for farmland purposes. Multifaceted, as indicated, is a capital program generating by Legislative and County Executive authorization about \$13 million a year. The only point you need to know with Multifaceted is that although it covers farmland, open space parks, it also covers affordable housing. So that is another option within that program coming from another

direction.

And the last program is the most recent one. This was approved by the voters in 2004. And this was a \$75 million bond issue. And the three components you see there, Farmland being 35 million, Open Space 30 million and Hamlets Parks ten million.

That completes essentially then the county programs currently existing. The County has preserved about fifty thousand acres total in terms of open space and farmland. Of that about 8500 in farmland throughout the County. Suffolk County has been nationally recognized for its open space program. It's had a leadership position.

All the programs are driven achieving objectives, whether that's protecting groundwater such as resource protection, protecting habitat, protecting farmland or providing recreational fields and so forth. Part of the job that we're often asked to do by this committee and the County Executive is to provide guidance to the Committee and the County Executive on meeting the criteria of the programs.

So one of the things we do have for you today is to handout are the rating forms that we fill out for the acquisitions. They're advisory to you and the County Executive. But they tend •• they're for the purpose of providing a yard stick to measure. Does an acquisition meet county standards, is it appropriate? They're not intended to be the end all. There may be circumstances whereby the forms aren't a perfect fit. But historically the Committee has used them as a useful guide and we would certainly be willing and encourage that to continue.

And the final point just in terms of the rating and so forth is that the one unique aspect of the Farmland Program is that when it was established in the mid•seventies, there was created in Suffolk County a Farmland Committee consisting of 19 representatives, 19 members. The structure that occurs then is that the Farmland Committee is advisory to the Legislature and the County Executive when it comes to acquisitions.

So, what will happen in the process then is when farms are suggested or

nominated for acquisition, Planning staff would bring them to the Farm Committee. They have their own rating form and I'm providing a copy of that for you today as well. And then they provide a recommendation back to you. Their recommendation is just that; a recommendation. It's not binding. But historically the Legislature has respected the recommendation of the Farmland Committee and they've had a good relationship. So just so you know, the Farmland's a little bit different in that sense in terms of that structure.

At this point then with the pleasure of the Committee, I'd like to ask Pat Zielenski, the Director of Real Estate just to briefly run through the specific recent activity. Pat Zielenski is in charge of the Real Estate Division which is a whole topic in itself and an education. Has done an job in terms of managing the County's real estate functions and acquisition program. So with that I'll turn it over to Pat. Thanks.

MS. ZIELENSKI:

Thank you. Good afternoon. In 2005 we had a busy year and have acquired an aggregate of about 1200 acres for a county share of a little over \$47 million. We have a process that was developed by the Legislature that seems to be working pretty well. And I'll just give you a quick thumbnail of what that process is.

Starting with the planning steps, which are developed either by Planning or by the Legislature, we go to a last owner search establishing the proper owner of a parcel that we may be interested in. And once establishing the owner, we send a letter of interest. If that comes back in the affirmative, we order appraisals to be done on the property for which ever kind of interest we're looking to acquire, development rights or full fee.

As the appraisals are •• consultant appraisals are returned to us, they go through a twofold review by our review staff by an internal review board. And then it's taken to the Environmental Trust Review, which some of you will sit on, where the value of the property is fully discussed and ultimately hopefully approved by the Environmental Trust Review Board.

Once we have an approved value, that amount is offered to the land owner.

If the land owner is pleased with the number, we go to contract. Once the contracts have been signed, we order a series of survey, title, environmental audit on the property. Then when they're all completed had and approved then we can go to closing, which I can say in about three minutes. But to do it takes a little longer.

CHAIRPERSON VILORIA • FISHER:

Well, we did have the step where you have to come back with a resolution for acquisition.

MS. ZIELENSKI:

Absolutely. That's the given.

CHAIRPERSON VILORIA • FISHER:

That's another step; for those new legislators.

MS. ZIELENSKI:

That's after the contract and before the closing where we're authorized by the Legislature to conclude the closing.

CHAIRPERSON VILORIA • FISHER:

And then we all celebrate; right?

MS. ZIELENSKI:

Yes, then we all celebrate.

CHAIRPERSON VILORIA • FISHER:

Okay. I just quickly wanted to go back again. We have some •• several new people in our committee. And just to again review. Right now most of our farmland acquisitions would be made through our Multifaceted Program; yes or no? Where's the lion's share in 2005? Where would it have been?

DIRECTOR ISLES:

Well, it's going to be from several sources. Certainly the SOS Farmland Program would be one which is the new program.

CHAIRPERSON VILORIA • FISHER:

SOS.

DIRECTOR ISLES:

Secondly would be the Quarter Percent Sales Tax; provides funding specifically for farmland.

CHAIRPERSON VILORIA • FISHER:

I meant SOS and said Multifaceted. I meant my own program.

DIRECTOR ISLES:

Okay. So one is SOS; I think probably be most active right now because it's the most well funded. The second would be the Quarter Percent which generates four to \$5 million a year for farmland specifically. And then the third is Multifaceted because that's a catchall capital fund that permits farmland as well as other types of use. But certainly Farmland is acquired under that.

CHAIRPERSON VILORIA • FISHER:

So although we see Farmland Preservation as a separate heading here, it usually will come under one of the later headings that you have in your outline?

DIRECTOR ISLES:

That's true.

CHAIRPERSON VILORIA • FISHER:

Funding sources. Community Greenways is expiring, but there is still a balance in the active parklands, I believe?

MS. ZIELENSKI:

Yes.

CHAIRPERSON VILORIA • FISHER:

Would you happen to have that balance?

MS. ZIELENSKI:

I don't have specific balances for each of the specific funds and break•downs

with me, no.

CHAIRPERSON VILORIA • FISHER:

What would happen, then, if we are left at the end of the year with a balance in any one of the facets of the Greenways Program?

DIRECTOR ISLES:

I don't know the answer to that question. I hope we don't have to ask the question. We have until the end of this year to expend the Multifaceted Greenways. Each of the Greenways components at \$20 million, and we're certainly down to small change at this point, but there is some left, some residual balances. I'd have to defer to the County Attorney on that; the legal question.

CHAIRPERSON VILORIA • FISHER:

Okay.

LEG. ROMAINE:

Madam Chairman. Could I request that as the Chair of this Committee that you inquire effective January 1 how much money is available in each of these funds?

CHAIRPERSON VILORIA • FISHER:

I have spoken with Mr. Isles and Ms. Zielenski about balances and we will be ••

LEG. ROMAINE:

And you will share that with the Committee?

CHAIRPERSON VILORIA • FISHER:

Of course. That would be distributed to the Committee to have all the balances. And, as we know, looking at the balances because we have •• we're negotiating, there is some contracts that have been executed, some that are in the pipeline. So, that's changeable. But we will •• this meeting, this initial meeting was not a good place to start with too much information so we did want to have an overview to begin with. But certainly that will be distributed among the members of this Committee and members of the

Legislature.

LEG. ROMAINE:

All I know is that ••

CHAIRPERSON VILORIA • FISHER:

But if I may have my time back, Mr. Romaine, I just want to finish getting through this thought. Sources of revenues. The New Water Protection •• New Drinking Water Protection Program, you said eight million a year, four to five million Farmland. Can you tell us the source of that money? How are with getting that \$8 million a year just so that it's very clear.

DIRECTOR ISLES:

That from the sales tax. That's from the Sales Tax Program. So every year between now and 2013, a dedicated portion of the sales tax goes to Open Space, goes to Farmland and then goes to Water Quality Restoration projects. So, we work with the Budget Office, with BRO and so forth in estimating those amounts based on sales tax so the numbers I'm giving you are what we believe to be the approximate annual amounts that are being generated from that up until 2013.

CHAIRPERSON VILORIA • FISHER:

And, again, particularly in answer to Legislator Romaine's previous question at some later meeting, we're going to take a very close look at the distribution of that Quarter Percent Fund, how it's distributed, you know, what goes to what category and talk about that; see how it's distributed. Okay. Because that is something that has come up in the past, you know, sewer stabilization money and storm water protection, storm water remediation, all of that. All of those different facets. That is a point of discussion at some meetings. And I would like everyone to have that information; not next month, but a little bit down the road because there will be issues that will be coming up.

And the Multifaceted money. You said \$13 million a year?

DIRECTOR ISLES:

Yeah, the Capital Budget amount has been \$13.3 million historically for the

past four or five years. The capital budget amount for 2006 is \$13.3 million. Here, again, that's kind of a collective pot of money that previously the Legislature divided capital for •• it had dedicated an amount for farmland, for open space, for general parkland purposes, for affordable housing. It was all compressed into the one pot. So, it's \$13.3 million. Those funds are not yet appropriated because we just started the year. But they are appropriated funds that Multifaceted makes available.

CHAIRPERSON VILORIA • FISHER:

And that's money that we put into the capital budget. Okay. And SOS, you explained that when you did it •• when you presented, that that was a \$75 million bonded money that was voted on by the voters in a referendum.

DIRECTOR ISLES:

Yes.

CHAIRPERSON VILORIA • FISHER:

Are there any questions about the funding sources? I just didn't think that that was something that jumped out at you when Mr. Isles did the presentation. Any questions?

LEG. D'AMARO:

I just had a question.

CHAIRPERSON VILORIA • FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Just for clarity in my own mind, each of these land acquisition programs were created, as you pointed out, at different periods of time. Is there one comprehensive reference to each program for the criteria used to fit within the program? Or are they all separate or are they all local law? How are they created, that kind of thing?

DIRECTOR ISLES:

They are all backed up by local law. We have •• we prepared a report that summarizes every program and the requirements and the criteria. And we

actually put flow charts in here in terms of each program has its own requirement; maybe park trustees, maybe not; Health Department review, maybe not. So it's a little byzantine. The only thing that this does not include, and we're certainly pleased to share copies of this with you as a reference because we use it as a reference, and we have copies of all the original legislation in here as well in terms of the specific legislative requirements. The only thing that's not included in here is SOS because we have not yet updated it, that being the most recent program. But every other program in the County going back to farmland in 1977 is summarized in here. And here again I'd be happy to share it with you.

LEG. D'AMARO:

Director Isles, what is the title of that report?

DIRECTOR ISLES:

It's entitled Land Acquisition Program, Summary of Authorizing Legislation and Program Requirements.

LEG. D'AMARO:

Okay. So that's right on point to what I was asking. If I could get a copy of that, I'd appreciate it.

DIRECTOR ISLES:

Absolutely; for any member of the committee, sure.

LEG. D'AMARO:

Thank you.

CHAIRPERSON VILORIA • FISHER:

Tom, if you could forward a copy of that to each member of the committee, being that we do have particular •• we have three new members of the Legislature here.

MR. ISLES:

Okay. We will do so.

CHAIRPERSON VILORIA • FISHER:

Okay. Are there any other questions? Mr. Romaine, you said you had had some questions or ••

LEG. ROMAINE:

The questions deal with some of the resolutions that are coming up. And as they come up, perhaps Mr. Isles will be kind enough to address some of the questions.

CHAIRPERSON VILORIA•FISHER:

You'll be staying where he is as we get to the agenda. Okay. So we will get to the agenda.

In answer to Mr. Matthews' earlier question, there was indeed a resolution •
• it was part of our operating budget. And it was for the year 2005. It is in the Department of Economic Development. And so we will make inquiry there as to whether there should have been an RFP, what is the status, and get back to you on that. Okay?

MR. MATTHEWS:

Thank you so much.

CHAIRPERSON VILORIA•FISHER:

And I'll pass this to my staff to make sure that we do follow•up on that. Thank you for coming down, Mr. Matthews.

MR. MATTHEWS:

Thank you very much.

INTRODUCTORY RESOLUTIONS

CHAIRPERSON VILORIA•FISHER:

Introductory resolution 1026, adopting local law, a Charter Law to amend the Suffolk County Charter to ensure representation of environmental interest and historic preservation on the Council on Environmental Quality.

LEG. D'AMARO:

It's a public hearing.

CHAIRPERSON VILORIA • FISHER:

We need to table this for a public hearing. I make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded had by our Vice•Chair Legislator D'Amaro. All in favor?

Opposed? Abstentions? **1026 is tabled for public hearing. (Vote: 5•0)**

1046, authorizing the acquisition of land under the New Suffolk Drinking Water Protection Program, Open Space Component, Fabrizio property, Town of Brookhaven. Nice picture. I've never seen one with all these arrows.

DIRECTOR ISLES:

Yeah, this is a little bit different. We put the arrows on to try to help explain it.

LEG. LOSQUADRO:

Madam Chairwoman, we did not have such an elaborate map during my tenure as Chair.

CHAIRPERSON VILORIA • FISHER:

Well, they knew they had to raise the bar a little bit here.

LEG. LOSQUADRO:

I feel a little bit slighted.

DIRECTOR ISLES:

Okay. This acquisition, which is item number 1046 on the agenda or IR number, is under the name of Fabrizio. The actual •• the next resolution as well is within the same area which is Lydel. These are parcels that are

proposed for acquisition under the New Drinking Water Protection Program. These are parcels that have already been through the planning steps process and already through Real Estate for the completion of appraisals, presentation to the Environmental Trust Review Board and negotiations and contract with the property owner.

To give you an orientation we have provided an aerial photograph with arrows. And this involves property in the Mastic Shirley area in the Town of Brookhaven basically south heading towards Smith Point County Park. And as you'll see on the map there are parcels that are outlined in different colors. What's indicated in the green boundaries for •• most of these parcels actually have that kind of boundary. These are parcels that were included in an earlier planning steps resolution for the purpose of considering acquisition of these properties. And just to give you a little background on that, the County Planning Department completed a study in the mid '90's known as the Narrow Bay Study. And it looked at the fact that although Mastic Shirley is a fairly densely developed community, a number of the coastal locations were not developed, were subject to development.

And with Narrow Bay, it was identified that this location with not only important tidal wetlands and freshwater wetlands, but also a location with high hazard flood zone problems in the sense that a lot of this is actually what's known as a V Zone, which is a velocity zone, which is rather unusual actually on the main land of Long Island. It does exist on the barrier beach. But given the narrowness of Narrow Bay, as the name implies, this is a zone where FEMA, the Federal Emergency Management Agency, has mapped velocity zones as well as flood zones within this part of Mastic and Shirley.

So based upon that, there were various planning efforts to minimize the impact of development to avoid development within this area. The County embarked on a program; actually won a national award, on relocating and swapping properties outside of this area. But this component actually looks to •• look at these sites from an acquisition standpoint. And doing so in a comprehensive manner by looking at the entire flood plain and tidal wetlands area.

So what you see then are two acquisitions that in themselves are relatively

small parcels. They're identified as being point four one acres and point one four acres. So in and of themselves they would be rather insignificant from a County acquisition standpoint. But what's important is that they fall as part of a larger protective area. And in addition to the County's interest in this location, the Town of Brookhaven has also been working on preserving and acquiring lands as well. And we are working in partnership with them.

So these are two relatively minor acquisitions. Real Estate has completed the appraisal and the review process. And at this point then we would a) be available for any questions you have; and b) ask for your consideration of these resolutions. Thank you.

CHAIRPERSON VILORIA • FISHER:

Tom, I have a question about these parcels. I recall that there had been a program where we would swap with those landowners who had parcels in these flood areas. Why •• was that program attempted first before we looked at acquisition?

DIRECTOR ISLES:

Right. There is what's known as Chapter 102, which is a land exchange program wherein the County will allow the swap of properties. Normally if the County has a surplus piece of land, it's obligated to sell that at public auction. Under the 102 program, the County •• if there's an environmental benefit to the exchange, can do an exchange of properties. We're required to get appraisals on both properties and to make sure that obviously it's a positive situation for the County taxpayer. So that program does exist. It has resulted in swapping properties so that someone who wants to build a house within the flood plain is then encouraged to give their properties to us. And then we took some tax exempt properties •• surplus program actually outside of the flood plain where they can then build the houses outside of the hazard area.

CHAIRPERSON VILORIA • FISHER:

And that has been done in this area. I remember it because ••

DIRECTOR ISLES:

That has been done, absolutely, in this area. It continues to be done. And

it still can continue to be done in the future. However, I will say that •• so it is a tool we can use if we find a match with the property owner and if we have surplus lots to make available.

What we have found, and we've been running that program now for probably about eight years or so, is that the response has not been that great. It's been •• you know, some activity on it. But we find that a lot of property owners don't want to opt into it. It is onerous in terms of •• the process has about sixteen steps to it. So, I consider it to be a tool. To rely on that solely, I think, would be very limiting for the County. And given the, you know, hazard location here, given the density of development in Mastic Shirley, given the need for open space and coastal protection, we think, the other tool of acquisition should be considered here.

CHAIRPERSON VILORIA•FISHER:

So then am I to understand that you did attempt that first; the swap first? And it was rejected and so you went to acquisition?

DIRECTOR ISLES:

I'm not going to say that we attempted among these two parcels. If we have an interested owner that wants to consider that, we'll do that. But the problem we have, here again, is we don't have a lot of properties outside of the flood zone. So where we do have one, we can match it up with the property owner, we will do it. We will continue to do it.

CHAIRPERSON VILORIA•FISHER:

So you didn't have something of equal value that was at your disposal to make the swap at that time; and so acquisition was the easier way to go? I mean the only way to go then?

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA•FISHER:

Okay.

LEG. ROMAINE:

Motion.

CHAIRPERSON VILORIA • FISHER:

I guess we're beginning to be in a hurry here. All right. Motion by Legislator Romaine.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. Any other questions on the motion? Okay. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 5 • 0)**

1046, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space Component

• • I'm sorry. I did that already.

1047 authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space Component, Lydel Holding Corp. Property, Town of Brookhaven.

DIRECTOR ISLES:

Okay. This is very similar to the prior matter. Also within the Mastic Shirley Conservation Area Phase I. It is indicated on one of the arrows directing you to the property which is more towards the east side of this location directly bordering tidal wetlands including a portion of freshwater wetlands and also directly adjoining other property owned by the County of Suffolk.

So similar to the, here again, the prior matter. It falls as part of that larger effort to consolidate holdings. This really does point to one important aspect on where we are in Suffolk County with the protection of open space. 20 years ago or even 15 years ago, many of the acquisitions were large scale acreages, a hundred acres, 200 acres and so forth. And occasionally we do get those today. But more and more we're doing a lot of this cleanup, protecting stream corridors, river corridors, of consolidating Pine Barrens Core ownerships and so forth. So you will see little quarter acre lots, half

acre lots and so forth. And here again normally that's not the kind of thing that the County of Suffolk buys for County parkland. But when it's part of an overall effort and conservation effort, I think we're going to see more and more of than as part of the completion and clean•up and protection of these types of locations.

So, that's essentially it terms of this location as being part of the Mastic Shirley conservation area. If you have any questions of myself or Real Estate we're available to answer those questions.

CHAIRPERSON VILORIA•FISHER:

Motion by Legislator Romaine, seconded by Legislator Losquadro. All in favor? Opposed? Motion carries. **(Vote: 5•0)**

LEG. STERN:

That was to approve; right?

CHAIRPERSON VILORIA•FISHER:

Yes. **1061, approving Master List III and authorizing planning steps for acquisition of these lands under the Suffolk County Multifaceted Land Preservation Program for parkland purposes.** Legislator Losquadro had a question.

CHAIRPERSON VILORIA•FISHER:

Would you like perhaps, Mr. Isles to say something about it first and maybe he'll answer your questions.

LEG. LOSQUADRO:

For myself ••

CHAIRPERSON VILORIA•FISHER:

Go ahead.

LEG. LOSQUADRO:

Well, I was going to say for myself not particularly because this is a reintroduction of a resolution that we discussed last year in this committee. So for the new members of the committee, I'm sure they'll want to hear

about this. But my question to Mr. Isles is has anything changed with the status of the existing planning steps on two of these parcels, I believe, not just one? There's certainly planning steps resolution on the North Fork Preserve, but I believe there is one on the _Springie Banks_ Road as well that Legislator Schneiderman introduced. I thought there was one on that, but I know •• I certainly know there's one on the North Fork Preserve. So we'll hear an explanation. I know Legislator Romaine has certainly a number of questions.

DIRECTOR ISLES:

Okay. Just to give you a very brief summary of the three parcels that are before you, the first one •• and here again we have an aerial photograph. It's the property in Montauk in the Town of East Hampton, point 36 of an acre. And what you'll see on the map is that the yellow area is Montauk County Park. So this is a parcel that falls within the County park. What we have attached to this for you is the rating forms. And so this will be an example where we do provide a rating based on the information we have available at the time of the resolution being presented to us. So in this case we've done a rating and we came up with a rating score of 38 points. Typically the minimum score or the threshold score typically is about 25. Here, again, that's not precise and obviously you have to do a close examination. But it does provide usually a useful guide. Obviously this is a case where the property's surrounded by County property. We would think it would be a logical parcel to consider for planning steps resolution.

The next matter is identified as the proposed acquisition in Three Mile Harbor in the Town of East Hampton, 26.7 acres. Once again we do have an aerial photograph to indicate the property. The parcel in question is outlined in the green coloration. Immediately to the left or to the west of that is property known as the Duke property which is a joint ownership of the County of Suffolk in the Town of East Hampton. This parcel is proposed on for acquisition •• for a planning steps, I should say, to join with the Duke acquisition.

I know there was some discussion at the meeting in December as Mr. Losquadro points out as to whether there's a need for a planning steps resolution here, whether the Town has an interest in pursuing it solely. I

don't have a lot of background on that. I mean we looked at it from a rating standpoint. And we came up with a rating in this case of 48 because of the

- primarily because of the proximity to County land.

LEG. LOSQUADRO:

Well, Mr. Isles, through the Chair ••

DIRECTOR ISLES:

Sure.

LEG. LOSQUADRO:

My question was not whether or not the town would be interested in pursuing it solely, but it was the fact that planning steps already exists under Suffolk County law.

DIRECTOR ISLES:

Yeah, I'm not aware that they do.

LEG. LOSQUADRO:

Well, we'll address that.

DIRECTOR ISLES:

Okay.

LEG. LOSQUADRO:

Planning steps do exist on this parcel.

MR. ZWIRN:

No.

LEG. LOSQUADRO:

Well, Mr. Zwirn is saying no but we'll get to that.

DIRECTOR ISLES:

Okay.

LEG. LOSQUADRO:

We'll let you finish.

DIRECTOR ISLES:

I mean obviously if they do, that's a fact.

CHAIRPERSON VILORIA • FISHER:

Well, I remember seeing this donut hole but I don't remember whether ••

LEG. LOSQUADRO:

No, no, no, no.

CHAIRPERSON VILORIA • FISHER:

This particular parcel ••

LEG. LOSQUADRO:

No. I was talking about the ••

CHAIRPERSON VILORIA • FISHER:

I'm sorry.

LEG. LOSQUADRO:

I apologize. I was still on the •• I was still on the North Fork Preserve. My apologies.

CHAIRPERSON VILORIA • FISHER:

Okay, okay. Sorry. Okay there's a question by Legislator Romaine.

LEG. ROMAINE:

Yes. Commissioner Isles, I have a couple of questions. How many parcels were on Master List number one? How many parcels were on Master List number two?

DIRECTOR ISLES:

I will tell you. We have it right here. Okay, I don't have an actual parcel number. I do for Master List One have acres which is about 3800 acres for Master List One.

LEG. ROMAINE:

3800 acres for Master List number one. And for Master List number two?

DIRECTOR ISLES:

So on Master List Two we have 68 open space sites, about 3100 acres.

LEG. ROMAINE:

So Master List One is about •• approximately 3800. Master List Two is about 3100. Master List Three is less than 200? This doesn't seem like a Master List to me. This seems like a very quick appendage that was put out. But let me go to item number three on this less than Master List, which deals with the North Fork Preserve.

DIRECTOR ISLES:

Okay.

LEG. ROMAINE:

Okay. And let me talk about that. As a department head of this County, you're obligated to carry out the resolutions; the legally adopted and enacted resolutions of this County. Is that not correct?

DIRECTOR ISLES:

Of course.

LEG. ROMAINE:

I want to call your attention very carefully and directly to resolution 1081 of '05 which Legislator Caracciolo introduced to acquire this site, the North Fork Preserve; and which this County Executive vetoed and said the land wasn't worthy of acquisition. And this Legislature overrode that veto. And several times, and I have all the correspondence in this file, his office asked your office what were you doing to implement these planning steps between September 26th and the appearance of this resolution which I will Legislative Counsel as to its legality; because it's hard to pass a resolution asking for this County to take planning steps to acquire parcels even under another program when there's already an enacted requiring planning steps. I don't see how you do that unless, boy, it was no good when Mike had his name on it. But when somebody else wants their name on it, well, it's part

of a Master List of 200 acres when the first two Master Lists have over 3,000 acres a piece on it. That just strikes me as the height of its imprudence and hypocrisy. But that's my personal opinion. What did your department do to enact resolution 1081 of '05? I would like to hear the exact steps between the legally adopted resolution and the end of the year and what your department did to implement those planning steps.

DIRECTOR ISLES:

Once a resolution is approved, it then goes to the Division of Real Estate. The Division of Real Estate then begins a process to pursue an acquisition. In the case of the North Fork Preserve, there are two parcels constituting the North Fork Preserve property. There's the northernmost property, which you're not speaking of, which was approved, I think, sometime in the spring or early summer, I believe. And that then went •• began the process Real Estate. My understanding is that a letter went out to the owner in that case or the owners. And there was no response or no interest. That's a typical step; is to contact the owner to see if there's any interest. My understanding, and I'll ask Real Estate to research it to confirm it is that there was no response by the owner.

The second one was the parcel that you're referring to on the southern half facing Sound Avenue. That was a parcel that was the subject of the planning steps resolution in 2005 for the purpose of an acquisition under the •• for the purpose of farmland development rights acquisition. There was discussion and debate on that. The Farmland Committee on two occasions recommended disapproval of that acquisition. They are advisory. The Legislature approved the resolution upon override. Real Estate would then take that resolution •• I think that was September or October that that was approved; here, again, proceed with their creation of a file, last owner searches. And then ultimately contact with the owner to see if there's interest. I don't know what the outcome of that was.

I will tell you, Mr. Romaine, that the Real Estate Division does provide quarterly reports. I just saw the copy that just went out. So we do make available to all Legislators every planning steps resolution. From 2000 on we give a status report on it. So you should have that. If you haven't received it yet, you will get it soon. So the information would be there.

And certainly Pat Zielenski's here today. I will ask her to specifically see what happened with the resolution. My understanding is that there wasn't interest of the owners, but I want to verify that before going any further.

My understanding for this current resolution is that it is a different program. It's Open Space. The only difference I can tell you in terms of that I see as being significant since the farmland proposal •• and by the way the Farmland Committee was concerned that it's basically a hunting club. And they didn't feel that it was a bonifide farm. But in terms of the open space, the one change that has occurred is that New York State has put this property on their open space planning effort. They came out with their open space plan recently within the past two months or so. And the North Fork Preserve is on that property. Whether than ••

LEG. ROMAINE:

It was also on a list that was present at some meeting, I believe, it was Wednesday or Tuesday of this week where the County Executive spoke on this. I guess he had a change of heart. The property really is essentially all the same contiguous property; just different parcels of it. And I guess what wasn't acceptable for him and drew his veto in September all of a sudden is now highly desirable because it's on this list in front of a group in which he spoke of. And it just struck me as odd. But at this point and obviously I would like to hear more from you about this, I'm going to ask Counsel, I think that there's a legal issue here since the parcels involved •• there are several interchangeable parcels involved. And whether this resolution as it relates to the North Fork, where the planning step resolution •• the existing planning step resolution that that Legislature adopted by override conflicts with the third parcel on this less than 200 acre Master List number three.

MR. NOLAN:

Do you want to address that now?

LEG. ROMAINE:

Yes. I believe it's a legal issue.

MR. NOLAN:

Okay. 1081 did approve planning steps for this particular parcel with the funding for it to come out of Multifaceted. On the IR that's before you 1061, it's the •• they're calling for planning steps for the same identical parcel also with the funding coming out of Multifaceted. So as to the first two parcels, no problem. As to the third parcel, it just appears to be redundant and superfluous and really unnecessary in my opinion. We've already passed a resolution for planning steps to be performed for the North Fork Preserve.

DIRECTOR ISLES:

I thought that was under Farmland but I'll defer to Ms. Zielenski. Is there something you wanted to add to that?

MR. NOLAN:

Well, at the end of the •• well, the clause says it's for farmland purposes. But for both resolutions it says due planning steps, funding to come out of multifaceted. So, I know ••

LEG. ROMAINE:

So the only difference as it relates to the North Fork Preserve is that one resolution that draw the County Exec's veto, and I'll read his veto message about how he felt this property was not worth the acquisition at the time; that that drew the veto. But the same resolution now is coming forward with his name on it. Is that essentially what you're indicating?

CHAIRPERSON VILORIA • FISHER:

Now if it were for farmland development •• is that what you're saying? I'll get to you in a second. Let me just finish the response. We'll get to you, Ben.

MR. ZWIRN:

Just leave some air in the room for us.

CHAIRPERSON VILORIA • FISHER:

We will. We will.

MR. NOLAN:

What I'm saying is the only difference I can see is that it applies to the North

Fork Preserve. Between the old resolution and the new resolution is in the old resolution at the end after it directed the Department to do the planning steps, take the money from Multifaceted to do it, it says for farmland purposes. The new resolution is for parkland purposes.

DIRECTOR ISLES:

And one is appraising development rights and one is appraising full fee. Two different things.

CHAIRPERSON VILORIA • FISHER:

Whereas for farmland purposes, that means farmland development rights which is different from acquisition.

LEG. ROMAINE:

If I may since I was asking the question, just to go back on that •• I believe I still have the floor •• my purpose is, the properties in question already have a planning step directive from this Legislature legally adopted. And now we're going to institute another planning step resolution although it's for a different purpose.

I might also add, by the way, that the purpose that the County Executive has suggested will close down the Christmas tree farm on that property and create yet another economic hole on the North Fork. Where the resolution sponsored by my predecessor would not have achieved that result. So, the Christmas tree farm will not be allowed to operate under parkland. So, I'm sure you've considered that before you've drafted this resolution.

CHAIRPERSON VILORIA • FISHER:

Before I ••

LEG. ROMAINE:

Unfortunately the people in Planning or the Executive did not speak with the incumbent Legislator about that. But I understand that that's kind of a tradition. Well, in this tradition I just want to raise that flag that I will if I have questions raise them vigorously here because this preserve property deserves to be preserved. It deserves to be preserved. There's farmland so the tree farm can continue to operate.

I think that to create a Master List at a last minute, to draw a press release so you can speak in front of a group, a Master List of less than 200 acres when the other two Master Lists had well over 3,000 acres, is truly a Master List, raises a lot of concerns about how we approach acquisition and development, how seriously we take it and what it means. And to even think about the property, because under the County Executive's proposal, and this by the way I have asked Counsel and he has graciously been very helpful, will be drafting resolutions to say now only one planning step is needed for what ever purpose •• for what ever purpose. And we're looking to do that. So someone, a Legislator like Mr. Losquadro can't submit a resolution, find it's vetoed and then the same resolution come with a different source of money for planning steps for the same piece of property with a different name on it. That type of thing, that type of nonsense should ••

CHAIRPERSON VILORIA • FISHER:

Well, wait a minute. Before we ••

MR. ZWIRN:

I'd just like to respond. The last administration they took the County Executive's bills after they were passed by the full Legislature, Legislator Romaine.

CHAIRPERSON VILORIA • FISHER:

Okay. Mr. Zwirn, if you could just wait a minute, please. Mr. Zwirn. Mr. Zwirn. Excuse me, Ben. Please. Okay. I had things I wanted to say regarding his comments. But he had the floor and I was waiting for him to finish.

MR. ZWIRN:

He's had the floor the whole day. He's taking up all the air in this room. Can't anybody get another word in?

CHAIRPERSON VILORIA • FISHER:

Can you just let •• okay. Mr. Romaine.

MR. ZWIRN:

Talk to me first the next time.

CHAIRPERSON VILORIA • FISHER:

Mr. Romaine.

MR. ZWIRN:

That's what ••

CHAIRPERSON VILORIA • FISHER:

Excuse me, Mr. Zwirn. Okay. I do have to say, and I will move to Mr. Zwirn and Ms. Zielenski, but I do have to say that just from the get go saying that you have one planning steps for any type of acquisition would be a problem because there are different processes for different types of acquisitions. Certainly if you're looking at farmland •• if you're looking at farmland development as opposed to an out•right acquisition, I think the planning steps would have to be have very different for those two types of acquisitions. I'm not an attorney or a real estate professional, but I've seen that there's a difference in the way that you're looking at that. But I am going to go to Mr. Zwirn who is very eager to make some comments.

MR. ZWIRN:

Well, I'd just like to respond. Thank you, Madam Chair, because the County Executive has made an effort. And we tried to do it more towards the end of last year by including the local Legislator, when there was a planning steps acquisition •• especially with the acquisition. We wanted to make sure that the Legislator from that district was included in the entire process. And we tried to do it planning steps. Sometimes we weren't successful especially toward the beginning. But as communication got better, we tried to improve it toward the end. But it got so bad at one time that after the full Legislature last year passed an acquisition resolution, the same resolution appeared with two legislators names back in committee for planning steps after the County had already purchased it with a full 18•0 vote by the Legislature. So you talk about plagiarism or stealing bills, I think that was the height.

CHAIRPERSON VILORIA • FISHER:

Okay. I'd really rather go to the substance of this bill and how you're seeing the difference. Okay. I'd rather go to that rather than have this kind of enter•play. Okay. It would be more productive. Ms. Zielenski?

MS. ZIELENSKI:

I can only address that part of it. I can say that the planning steps that were processed were processed by my division. There were contacts made with the owners. There are multiple owners of this property. There's a family that owns a 50% interest. There is a group of members that own an interest. They are now in litigation with one another. As we attempted to discuss with them their interest in selling the development rights under the original planning steps, we were told unequivocally that they were not interested in selling them, period. They didn't want to have any further contact with us because they were not interested.

Subsequently it was apparently decided, which has nothing to do with me, that the approach would be made from a different direction and that possibly by including the entire fee, that there might be more interest. And also the fact that the advisory committees had not felt that the farmland was something that they could approve earlier meant that there weren't all those farmers out there helping us either.

LEG. D'AMARO:

So •• can I ask a question?

CHAIRPERSON VILORIA•FISHER:

Just to clarify the actual planning steps, Counsel is indicating to me that it was acquisition for farming purposes, which is unusual. I've usually seen farmland development rights; not fee title. And this resolution ••

MR. NOLAN:

The original resolution 1081•05, it says to acquire fee title. It wasn't for development rights as does the more recent resolution. So in that respect, they're identical.

CHAIRPERSON VILORIA•FISHER:

That's a very unusual type of resolution. And I find that •• maybe that's •• I also recall that there was a problem with the resolution when it came before us. Was that, Tom, part of the problem?

DIRECTOR ISLES:

I don't recall. I recall it being a farmland acquisition. I recall it going to the Farmland Committee. I honestly don't recall ••

CHAIRPERSON VILORIA•FISHER:

When you say farmland acquisition, it's the way we normally use the term farmland acquisition, which is for the development rights.

DIRECTOR ISLES:

Right. That's what I recall. I'm not ••

CHAIRPERSON VILORIA•FISHER:

But as Counsel is showing me the resolution, the resolution does say •• and I'll read from the first WHEREAS although I'd like to look at the RESOLVED's, which says fee title. To acquire fee title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Multifaceted Land Acquisition Program for acquisitions to be consummate •• that's very unusual.

MS. ZIELENSKI:

At any rate they said they weren't interested in selling.

CHAIRPERSON VILORIA•FISHER:

And at that time there was not interest. I was looking •• I was distracted a little bit earlier because I was looking through here to see the status, you know, when you approach because usually I can find that in this list; but you're saying, Pat, that •• Ms. Zielenski, that you had approached •• this is a voluntary program. And if the seller is not willing, it's the end of the negotiations. If you don't have a willing seller ••

MS. ZIELENSKI:

We stop the process at that point without a willing seller.

CHAIRPERSON VILORIA • FISHER:

Okay. So you stopped the process. And when did that occur? Do you have the date for that?

MS. ZIELENSKI:

I don't specifically but it was late in the fall.

CHAIRPERSON VILORIA • FISHER:

Okay. Legislator Losquadro has a question.

LEG. LOSQUADRO:

Just •• I apologize. Just a quick question on that point. You indicated that you •• when you sent a letter to determine interest as is part of the normal process, it was for farmland development rights purposes?

MS. ZIELENSKI:

Don't hit me on that. I would hesitate with confusion over the original planning steps to quote me that directly. But I'd be happy to research exactly what was sent.

LEG. LOSQUADRO:

If you could, please, because as I read them, they both say to acquire fee title quite clearly. So to my mind, as I stated earlier, and as I had stated to Mr. Isles last year in my capacity as Chairman of this committee, we had made changes administratively to funding sources once planning steps resolutions were passed.

MS. ZIELENSKI:

That's true.

LEG. LOSQUADRO:

We've done that on many occasions as I recall. So, if there was some confusion to be had over which funding source would be used, as we have done in the past on many occasions, it could have been changed

administratively. That was a concern that I had raised last year about this same resolution. I continue to have those same concerns. So, thank you, Madam Chairman.

CHAIRPERSON VILORIA•FISHER:

But although it sounds from what you said, Pat, that it was not a problem with confusion about funding source but rather an unwilling seller.

MS. ZIELENSKI:

Yes. But I hate to quote •• try and quote the details. I wasn't ••

CHAIRPERSON VILORIA•FISHER:

There's a question from Legislator D'Amaro.

MS. ZIELENSKI:

Without the file.

LEG. D'AMARO:

Thank you. Just •• excuse me. There was a binding enactment off a resolution for the identical parcel in the past? That's correct; right? And I think Legislator Romaine had raised this also, but what you're saying here today is that the directive of that resolution was carried out by approached the owner. And the owner had then declined to sell. Is that what you're saying?

MS. ZIELENSKI:

Yes.

LEG. D'AMARO:

Now, my question is, is there any difference in the two resolutions? In other words, is it a different source of funding perhaps? Or what's the difference here?

DIRECTOR ISLES:

Yeah, it's under the same program which is Multifaceted. But as I

mentioned in the opening presentation about the programs, Multifaceted is amalgamation of many different programs. So, it gets a little bit confusing. When I look at the Multifaceted, it permits a number of different funding sources. And it says here when it talks about farmland pursuant to Chapter Eight of the Suffolk County code. Chapter Eight of the Suffolk County code is the purchase or development rights. Farmland development rights. So that's how I would read that. In answer to your question ••

LEG. D'AMARO:

That's from the original bill that you're reading from?

DIRECTOR ISLES:

Well, I don't have the original bill in front of me, but I read •• this is the legislation that creates Multifaceted. And here, again, it says that pursuant to Chapter Eight of the Suffolk County code ••

LEG. D'AMARO:

All right. Let me ask the question another way. Is it possible and I apologize for interrupting you but ••

DIRECTOR ISLES:

No, it's okay.

LEG. D'AMARO:

Is it possible that when the first resolution was carried out, that it was a negotiation over development rights only? Do we know the answer to that question?

MS. ZIELENSKI:

No.

LEG. D'AMARO:

Okay.

MS. ZIELENSKI:

Not without having the file in front of me.

LEG. D'AMARO:

Is it possible that •• you know, is that a possibility or is that just something beyond the realm?

MS. ZIELENSKI:

In my memory ••

LEG. D'AMARO:

Right.

MS. ZIELENSKI:

•• it was being dealt with as a farmland development rights. But I may be in error.

LEG. D'AMARO:

Okay. Thank you.

CHAIRPERSON VILORIA•FISHER:

Okay. We are looking at three parcels that are very important acquisitions. I believe that we all saw Newsday's schematic in today's paper about our •• the wish list for everyone on long island and how important the protection of our treasures in Suffolk County are to all of us. And with that in mind, I will make a motion to approve Master List Three.

LEG. LOSQUADRO:

Madam Chair, on the motion please.

CHAIRPERSON VILORIA•FISHER:

We'll, I need •• is there a second?

LEG. D'AMARO:

I'll second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator D'Amaro.

LEG. LOSQUADRO:

Madam Chairwoman?

CHAIRPERSON VILORIA • FISHER:

On the motion.

LEG. LOSQUADRO:

If you go back to my comments from the minutes of the last meeting of this committee from last year, I made very similar comments to what you have just said; almost identical. These are very important parcels. I made the overture to the Executive branch. Please separate out the first two parcels. File the resolution with the first two parcels. We'd be more than happy to approve them because they are worthwhile acquisitions. We want to approve these so we can get moving on getting a planning steps done.

But we're adamant about the fact that the third parcel had already been approved. It is not only substantively similar; it is, in essence, identical in its language and its content. I don't know what else to say other than the fact that this has already been approved through due process of this Legislature. I as a member of this committee, obviously you know my commitment to environmental preservation; would be more than happy to vote yes for a second piece of legislation that includes the first two •• first two parcels on this list. But I cannot in good conscience vote yes for this resolution which includes a piece of land which we have already enacted a planning steps for through the legal process of this legislative body.

CHAIRPERSON VILORIA • FISHER:

And there's absolutely no disagreement regarding that. And it has never been my experience as a member of the committee on the environment to have heard a misrepresentation from Tom Isles or Pat Zielenski. And it has been represented here today that that particular resolution that was duly passed by this Legislature was acted upon by the Division of Real Estate. And that there was a rejection of the offer by the owners of the property; that there was litigation involved among their families.

LEG. LOSQUADRO:

Madam Chair, if I may.

CHAIRPERSON VILORIA • FISHER:

Excuse me.

MS. ZIELENSKI:

It never got to an offer. There was no interest.

CHAIRPERSON VILORIA • FISHER:

An interest. There was never an interest. And this is a program that is a voluntary program. We cannot move our steps further unless we were to go to eminent domain which is not a choice that was made by this Legislature. That being represented by both Ms. Zielenski and Mr. Isles, we need to move forward while there is an interest in negotiating with us on the part of the property owners and not waste time concerning ourselves with casting stones across the aisle.

And so I know that you do have a concern regarding this, Legislator Losquadro. I certainly know Legislator Romaine's concerns. I do hope that when we are looking at acquisitions, and this is something that I have personally stated to the County Executive, that there is an outreach on the part of the County Executive's Office to those Legislators who represent the district in question. However, this is a certainly a parcel that's very sensitive. We have owners who have shown an unwillingness to come into negotiations with us. If there is a willingness at this point in time, I believe that we should strike while the iron is hot and move this forward.

Legislator Romaine is waiting to speak.

LEG. ROMAINE:

My point on this is we don't know if the offer to the property owners was an offer to purchase development rights or whether the offer was to purchase fee title. We don't know that because the Real Estate Director doesn't have that information at her hand. If it was to purchase development rights, then, the Real Estate Department has contravened a legally adopted resolution of this Legislature.

Here is the issue. And it is a simple one. Everyone wants to see these properties acquired myself amongst them first among all. But look at ourselves. If any resolution that you can get through this body, maybe vetoed, maybe passed and signed into law. But even if it's vetoed, if it's overridden, if people can ignore those resolutions, what purpose is it of us to sit here? What does it mean if we adopt resolutions that are uniformly ignored?

CHAIRPERSON VILORIA • FISHER:

That's a point well taken. And it has been represented Ms. Zielenski that they did not ignore this resolution.

LEG. ROMAINE:

Let me make a suggestion to you on this. Let me suggest that, one, we table this resolution today. Two, that the two parcels that there are no problem with, that the County Executive issues a CN. He has my commitment that I will support that and vote for that. And I'm sure everyone in this committee will do likewise.

And sometime between now and Tuesday, Ms. Zielenski, representatives of the County Exec's Office meet in my office to discuss this. And we make a decision as how we want to proceed whether we're going to proceed to purchase it under •• and leave it as farmland so the tree farm can keep •• Christmas tree farm and keep operating on Sound Avenue or whether we're going to proceed and do it as parkland and close down the Christmas tree farm. And we take a look at those issues. And if we can settle them by Tuesday, that's fine. Then there's a CN on this parcel on Tuesday. If we can't, then at the next cycle, we take this issue up again. I mean, that would be a suggestion.

CHAIRPERSON VILORIA • FISHER:

Well, there's a motion and a second. There's a motion and a second. And •
•

LEG. LOSQUADRO:

I had a question on the motion.

CHAIRPERSON VILORIA • FISHER:

Okay. Go ahead.

LEG. LOSQUADRO:

Legislator Romaine brought up a point that I was going to make which was that •• and Real Estate and Planning know I have always been the first people to defend them at every turn. But this is one case where the Real Estate Department contrary to what you have indicated could not give a clear answer as to what action was taken. She said she could not recall whether or not the offer was made for farmland development purposes or for full fee title. Is that correct?

MS. ZIELENSKI:

I have Janet Longo here as my Acquisition Supervisor who spoke directly with the owners. And if you'd like her testimony on the record, I think that might be helpful.

CHAIRPERSON VILORIA • FISHER:

Janet, can you •• can you come forward, please? Ms. Longo?

LEG. LOSQUADRO:

In the interim, I will just ask Counsel, you had stated quite clearly that you felt that this was a redundancy. Is there a legal impediment to passing duplicative resolutions, being that planning steps do not expire and, technically, these planning steps under the previous resolution are still active?

MR. NOLAN:

The prior resolution is still effective. I believe this committee and the Legislature can vote on this resolution. It is duplicative. It's superfluous on the third parcel. Nevertheless, you can act. It will have essentially no effect, I believe, as to the third parcel, because the department is still authorized to carry out the planning steps. That would be the effect of passing this again. So it has no effect as to that third parcel, but it would move the first two parcels forward. I don't think there is a legal impediment to voting on this resolution.

LEG. LOSQUADRO:

Ms. Longo, do you recall how the offer ••

MS. LONGO:

Yeah, we didn't make an offer?

LEG. LOSQUADRO:

We were expressing interest?

CHAIRPERSON VILORIA • FISHER:

That's through the Chair.

MS. LONGO:

We •• I received a phone call from one of the owners, a member of the Club, who told me that they were in litigation. Apparently, one of the owners died and then there was •• this is a Hunt Club. They want •• they want to keep it a Hunt Club, they don't want to sell the property. And he told me, "Don't call us, we'll call you when the litigation is through," if and when they decide they want to sell the property. To me, that's not interested.

CHAIRPERSON VILORIA • FISHER:

Okay.

MS. LONGO:

So we didn't pursue anything.

CHAIRPERSON VILORIA • FISHER:

Thank you, Ms. Longo. There's a motion and a second. All in favor?

LEG. LOSQUADRO:

Madam Chairwoman, if ••

CHAIRPERSON VILORIA • FISHER:

Okay.

LEG. LOSQUADRO:

As I recall, I was ••

CHAIRPERSON VILORIA•FISHER:

Well ••

LEG. LOSQUADRO:

•• reluctant to cut off debate during my tenure as Chair of this committee.

CHAIRPERSON VILORIA•FISHER:

But I believe you had •• well, I was cut off several times when I was a member of your committee.

LEG. LOSQUADRO:

Well, I still •• I still had another question.

CHAIRPERSON VILORIA•FISHER:

Please, ask it, because this is becoming a very protracted debate ••

LEG. LOSQUADRO:

I do not believe so, I believe ••

CHAIRPERSON VILORIA•FISHER:

•• over something that has been responded to.

LEG. LOSQUADRO:

I believe we continue to raise pertinent issues.

CHAIRPERSON VILORIA•FISHER:

Can you just ask your question, Legislator Losquadro?

LEG. LOSQUADRO:

My question is •• obviously, it seems you already have your mind made up.

CHAIRPERSON VILORIA•FISHER:

Yes, I do, because it's abundantly clear to me that there was a resolution. The Department acted in good faith according to that resolution.

LEG. LOSQUADRO:

Then I will just say this. I will just say that during my tenure as Chair of this committee, for issues far, far more insignificant than this, we tabled resolutions to get those issues clarified, to make sure everything •• all the I's were dotted, all the T's were crossed. And the fact that there are this many questions outstanding on a resolution that you are determined to pass ••

CHAIRPERSON VILORIA • FISHER:

But I don't see those questions.

LEG. LOSQUADRO:

•• I disagree with.

CHAIRPERSON VILORIA • FISHER:

I don't see those as questions.

LEG. LOSQUADRO:

They have been raised and they are on the record.

CHAIRPERSON VILORIA • FISHER:

And they have been abundantly answered by the Division of Real Estate.

LEG. LOSQUADRO:

I do not believe they have.

CHAIRPERSON VILORIA • FISHER:

We have a motion and a second. All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

CHAIRPERSON VILORIA • FISHER:

Abstentions?

LEG. ROMAINE:

I'm voting in favor of this.

CHAIRPERSON VILORIA•FISHER:

Okay. Motion carries. ***(Vote: 4•1•0•0. Leg. Losquadro opposed)***

LEG. ROMAINE:

At the end of the day preservation is more important.

CHAIRPERSON VILORIA•FISHER:

That's precisely correct.

Okay. **1065, a Charter Law to promote non•political, professional diverse County Planning Commission.** I'll make a motion to table for a public hearing.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?
Motion carries. **It was motion to table. (Vote: 5•0)**

If there is no other order of business ••

LEG. LOSQUADRO:

1065?

CHAIRPERSON VILORIA•FISHER:

It's tabled for public hearing.

LEG. LOSQUADRO:

Right.

CHAIRPERSON VILORIA•FISHER:

Okay. If there is no other further business, this committee stands adjourned.

(THE MEETING CONCLUDED AT 5:12)

_ _ DENOTES SPELLED PHONETICALLY